IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18219 of 2004

Between:

1 Bharat Sanchar Nigam Limited, Rep. by its Cheif General Manager,

A.P.Telecom, Hyderabad.
2 The General Manager, Telecom District, Ongole.

... PETITIONERS

AND

1 The Asst. Provident Fund Commissioner, EPF Organisation, Sub-Regional

Office, Guntur.
2 The Regional Provident Fund Commissioner, Barkathpura, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any appropriate writ, or direction, declaring the Notice NO. AP/GT/40045/P-2/ENF/COMP-III/7A/INQ/2004/2801, DT. 4-2-2004, of the 1st Respondent holding inquiry U/Sec 7-A of EPF Act as illegal, void and arbitrary, unjust and improper and consequently direct the 1st respondent not to hold any inquiry U/Sec 7-A of EPF Act.

Counsel for the Petitioner: MR.R.S.MURTHY SC FOR BSNL

Counsel for the Respondents: MR.R.N.REDDY

The Court made the following:

ORDER:

The writ petition is premature since it is filed only against the notice calling upon the petitioner to appear in the enquiry to be conducted under Section 7 of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952, (for short 'the Act'). Petitioner can participate in the enquiry and establish that he is not liable to pay the provident fund amount and only on passing adverse order against him, can he avail remedies available to him in a Court of law.

The writ petition is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

October 7, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Asst. Provident Fund Commissioner, EPF Organisation, Sub-Regional Office, Guntur.

2 The Regional Provident Fund Commissioner, Barkathpura, Hyderabad.

3 Two C.D. Copies.